

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

FORTY-THIRD LEGISLATIVE DAY
MONDAY, FEBRUARY 17, 2003

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Burkett, Cameron, Gannon, McWilliams, Noh, Schroeder, and Sweet, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Stephanie Soltzak, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Gannon and McWilliams were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 14, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Cameron was recorded present at this order of business.

February 14, 2003

The JUDICIARY AND RULES Committee reports that Enrolled **S 1009** was delivered to the Office of the Governor at 2:15 p.m., February 14, 2003.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 14, 2003

The AGRICULTURAL AFFAIRS Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Mel Anderson to the Idaho Food Quality Assurance Institute, term to expire July 1, 2006;

Representative Darrell Bolz to the Idaho Food Quality Assurance Institute, term to expire July 1, 2006.

WILLIAMS, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 14, 2003

The RESOURCES AND ENVIRONMENT Committee reports out **S 1056** and **S 1106** with the recommendation that they do pass.

NOH, Chairman

S 1056 and **S 1106** were filed for second reading.

February 14, 2003

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Randal F. Rice to the Idaho Park and Recreation Board, term to expire July 30, 2008;

Latham Williams to the Idaho Park and Recreation Board, term to expire July 30, 2007.

NOH, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senators Burkett, Schroeder, and Sweet were recorded present at this order of business.

February 14, 2003

Mr. President:

I transmit herewith **H 115, H 116, H 145, H 146, H 46, H 175, H 176, and H 147** which have passed the House.

JUKER, Chief Clerk

H 115, H 116, H 145, H 146, H 46, H 175, H 176, and H 147 were filed for first reading.

February 14, 2003

Mr. President:

I transmit herewith Enrolled **HCR 9, H 50, and H 85** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **HCR 9, H 50, and H 85** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the following attaches were elected to fill the offices provided for by the *Constitution* of the State of Idaho and by statute, salaries to be fixed by **Senate Resolution 102**:

Pages:

Nicole Stevenson, Paul
Alexey Chikanchi, Nampa
Deidra Parish, Burley
Monica Pratt, Nampa
Mendi Ward, Boise
Rochelle Bigelow, Rigby
Stephanie Soltzak, Mountain Home
Brittany Jensen, Idaho Falls
Abigail Morehouse, Boise
Susan Blaisdell, Caldwell

Whereupon the President Pro Tempore instructed the Sergeant at Arms to escort the attaches to the Secretary's desk at which time the Oath of Office was administered to the elected attaches and they were escorted from the Chamber.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

H 115 and H 116, by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 145 and H 146, by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 46, by Mr. Speaker, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 175 and H 176, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 147, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1075, by Health and Welfare Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Brandt, granted by unanimous consent, **S 1067** was referred to the Fourteenth Order of Business, General Calendar.

S 1071 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Noh. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1071** passed, title was approved, and the bill ordered transmitted to the House.

H 130 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Gannon, Geddes, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Stegner, Sweet, Werk, Williams. Total - 30.

NAYS--Bailey, Davis. Total - 2.

Absent and excused--Goedde, Noh, Stennett. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 130** passed, title was approved, and the bill ordered returned to the House.

S 1052 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Stennett, Sweet, Werk, Williams. Total - 30.

NAYS--Calabretta, Little, Stegner. Total - 3.

Absent and excused--Burkett, Noh. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1052** passed, title was approved, and the bill ordered transmitted to the House.

S 1054 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--Calabretta. Total - 1.

Absent and excused--Noh. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1054** passed, title was approved, and the bill ordered transmitted to the House.

Senator Noh was recorded present at this order of business.

S 1055 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Sorensen, Stegner, Sweet, Williams. Total - 28.

NAYS--Burkett, Calabretta, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 7.

Total - 35.

Whereupon the President Pro Tempore declared **S 1055** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate went at ease and resolved itself into the Committee for the Memorial Service.

MEMORIAL SERVICE

The Service was conducted by Memorial Service Committee Chairmen, Senators Compton and Noble. The Invocation was delivered by Senator Burtenshaw and remarks were presented by Senator Compton. The Call Family, Colleen Call McCarter, Karen Call, Nancy Call, Melissa Call Stonehocker, Tiffany Call Callis, and Sally Call Anderson, performed the musical selections *Nearer My God to Thee*, *Battle Hymn of the Republic*, and *How Great Thou Art*, accompanied by Peggy Snow, pianist.

Former Senators Ray Rigby, William Roden, John Peavey, and Dennis Hansen were invited to join the members of the Senate in the Chamber and presented their tributes to the memorialized Senators.

IN THE SENATE A SENATE MEMORIAL

WHEREAS, the late Senator MARY PEAHEY BROOKS passed on during the Second Regular Session of the Fifty-sixth Legislature - to wit, February 11, 2002;

WHEREAS, the late Senator MARY PEAHEY BROOKS served in the interest of Blaine, Lincoln and Minidoka Counties during the Thirty-eighth through the Fortieth Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the First Regular Session of the Fifty-seventh Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator MARY PEAHEY BROOKS; and

BE IT FURTHER RESOLVED that the Senate of the First Regular Session of the Fifty-seventh Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the MARY PEAHEY BROOKS family.

On motion by Senator Stennett, seconded by Senator Davis, the Memorial to the late Senator Mary Peavey Brooks was adopted by voice vote.

**IN THE SENATE
A SENATE MEMORIAL**

WHEREAS, the late Senator ROBERT R. LEE passed on since the close of the Second Regular Session of the Fifty-sixth Legislature - to wit, September 27, 2002;

WHEREAS, the late Senator ROBERT R. LEE served in the interest of Fremont and Madison Counties during the Fifty-third through the Fifty-sixth Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the First Regular Session of the Fifty-seventh Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator ROBERT R. LEE; and

BE IT FURTHER RESOLVED that the Senate of the First Regular Session of the Fifty-seventh Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the ROBERT R. LEE family.

On motion by Senator Richardson, seconded by Senator Stennett, the Memorial to the late Senator Robert R. Lee was adopted by voice vote.

**IN THE SENATE
A SENATE MEMORIAL**

WHEREAS, the late Senator ANTHONY W. NAEGLE passed on since the close of the Second Regular Session of the Fifty-sixth Legislature - to wit, July 28, 2002;

WHEREAS, the late Senator ANTHONY W. NAEGLE served in the interest of Bonneville County during the Thirty-second through the Thirty-sixth Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the First Regular Session of the Fifty-seventh Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator ANTHONY W. NAEGLE; and

BE IT FURTHER RESOLVED that the Senate of the First Regular Session of the Fifty-seventh Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the ANTHONY W. NAEGLE family.

On motion by Senator Davis, seconded by Senator Stennett, the Memorial to the late Senator Anthony W. Naegle was adopted by voice vote.

**IN THE SENATE
A SENATE MEMORIAL**

WHEREAS, the late Senator WES TROUNSON passed on during the Second Regular Session of the Fifty-sixth Legislature - to wit, February 19, 2002;

WHEREAS, the late Senator WES TROUNSON served in the interest of Gooding, Camas, Jerome and Lincoln Counties during the Forty-seventh Legislature of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the First Regular Session of the Fifty-seventh Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator WES TROUNSON; and

BE IT FURTHER RESOLVED that the Senate of the First Regular Session of the Fifty-seventh Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the WES TROUNSON family.

On motion by Senator Stennett, seconded by Senator Stegner, the Memorial to the late Senator Wes Trounson was adopted by voice vote.

The Benediction was offered by Senator Noble.

Senator Compton declared the committee for the Memorial Service dissolved.

Following the Memorial Service, President Risch assumed the Chair and called the Senate to order.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Burkett, by voice vote the Senate adjourned at 12:50 p.m. until the hour of 11 a.m., Tuesday, February 18, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary